

HB 1041 -- Prevailing Wages

Sponsor: Swan

This bill changes the way the Department of Labor and Industrial Relations determines the prevailing hourly rate of wages on public work projects. In its main provisions, the bill:

- (1) Defines "collective bargaining agreement" and "Labor organization" or "union";
- (2) Requires contractors and subcontractors wishing to contract or construct public works projects to participate in the wage survey process utilized by the department to determine the prevailing hourly rate of wages in Missouri for construction work, other than highway construction work, by completing and submitting the survey form indicating all the hours worked and wage rates paid to its workers in each occupational title for work during the previous calendar year unless the contractor or subcontractor had not engaged in any construction work during that time, in which case the contractor must provide an affidavit or other sworn statement to the department. The completed survey forms are not public records under the Open Meetings and Records Law, commonly known as the Sunshine Law;
- (3) Authorizes the department to accept wage rate information in an electronic or paper format;
- (4) Specifies that for construction work for the Highways and Transportation Commission within the Department of Transportation:
 - (a) The prevailing rate for an occupational title in a locality, other than third and fourth classification counties, will be the wage rate most commonly paid, as measured by the number of hours worked at each wage rate for that occupational title in the locality;
 - (b) The prevailing rate for an occupational title in a locality in third and fourth classification counties will be determined after considering the total number of non-union and union hours worked for the time period in that occupational title. If the total number of non-union hours in the aggregate exceeds the total number of union hours in the aggregate, the prevailing rate will be the wage most commonly paid of the non-union rates as measured by the number of hours worked at each non-union wage rate for that occupational title in the locality. If the total number of union hours in the aggregate exceeds the total number of non-union hours in the aggregate, then the prevailing rate will be the wage most commonly paid of the union rates as measured by the number of hours

worked at each union wage rate for that occupational title in the locality;

(c) If work has not been performed for a particular occupational title in the locality at any wage rate, the prevailing rate for that occupational title in the locality will be the wage rate most commonly paid, as measured by the number of hours worked at each wage rate for that occupational title in all Missouri counties adjacent to the locality. "Adjacent county" means any Missouri county having a boundary that touches any boundary of the locality. If work within a particular occupational title has not been performed in the locality and its adjacent counties, the prevailing rate for that occupational title in the locality will be the rate established by the collective bargaining agreement, if any, covering the locality and the work that falls within the occupational title;

(5) Specifies that for construction work other than for the Missouri highways and transportation commission:

(a) The prevailing rate for an occupational title in a locality, other than third and fourth classification counties, will be the wage rate most commonly paid, as measured by the number of hours worked at each wage rate for that occupational title in the locality;

(b) The prevailing rate for an occupational title in a locality in third and fourth classification counties will be determined in the same manner as prevailing rates are determined in third and fourth classification counties for construction work for the Highways and Transportation Commission;

(c) If no work has been performed for a particular occupational title in the locality at any wage rate, the prevailing rate for that occupational title in the locality will be wage rate most commonly paid, as measured by the number of hours worked at each wage rate for that occupational title in all Missouri counties adjacent to the locality. "Adjacent county" means any Missouri county having a boundary that touches any boundary of the locality. If work within a particular occupational title has not been performed in the locality and its adjacent counties, the prevailing rate for that occupational title in the locality will be the rate last published as the prevailing wage rate within the locality;

(6) Requires any public body using an employee to perform construction work, including but not limited to occupational titles with a prevailing hourly rate of wages, requiring training, professional registration, licensure or issuance of a professional certificate, to comply with all local, state, and federal laws

relating to the training, professional registration, licensure, or issuance of the employee's professional certificate.

The provisions regarding construction work under Section 290.253 will become effective January 1, 2015.